

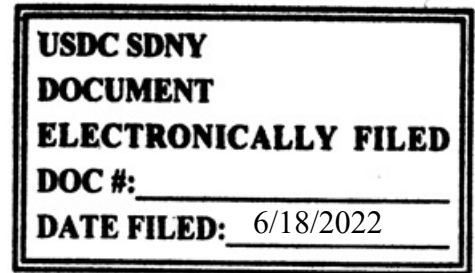


222 Bruce Reynolds Blvd, Suite 490
Fort Lee, NJ 07024
Telephone: (201) 897-8787

June 18, 2022

VIA ECF

Honorable Magistrate Judge Stewart D. Aaron
Daniel Patrick Moynihan Courthouse
500 Pearl St. Room 1970
New York, NY 10007



Re: Kwon et al., v. 462 BKCS LTD et al., 20-cv-9105

Dear Judge Aaron,

This office represents the plaintiffs in the above captioned matter. Regrettably, Plaintiffs are forced to write this letter to renew their motion concerning discovery dispute that the parties could not resolve.

Previously, on May 13, 2022, plaintiff filed a letter motion for Local Rule 37.2 conference because defendants' counsel refused to meet and confer. The same day, the Court ordered defendants' counsel to "meet and confer in good faith with Plaintiffs' counsel regarding any discovery issues in dispute, then, no later than 5/23/2022, the parties shall file a joint letter, not to exceed six pages, setting forth the parties' respective positions regarding such issues.

Defendants' counsel Mr. Sue is my opposing counsel in another matter and On May 18, we met for an in-person deposition of the plaintiff in that case. During a break I mentioned to Mr. Sue that the Court ordered to meet and confer to resolve disputes. To my reminder, Mr. Sue responded "we are doing that right now." Mr. Sue did not follow up after that meeting so on May 24, I emailed him the following:

Jonathan, the court had ordered you to "meet and confer in good faith." I raised the discovery issue on 5/18, during the planned 2nd day of NY meat plaintiff's depo and you told me that you would review and get back to me. You never got back to me.

We were supposed to file a joint letter by yesterday but obviously that didn't happen. I am tied up in all day deposition today. My positions are already stated in my deficiency letter in detail. Why don't you send me your draft of the joint letter today by 6 pm. If I don't receive a letter from you by 6 pm, I will have to file a letter explaining what happened.

Mr. Sue emailed back on May 24 and wrote the following:

- we did confer in-person on 5/18 about the dispute;

- i told you that i would review the deficiency letter and start working on the responses but that i didn't know how long it would take;
- we also discussed that it would not be "asap" as you requested as there has been considerable time since it was served so i would have to revisit the requests; so as far as i'm concerned there is no dispute and a joint letter is not required;
- we do need plaintiffs' availability for the depositions as previously requested;

Plaintiffs believe the defendants' counsel willfully disregarded this Court's order and failed to comply with the order. In light of defendants' deliberate noncompliance of the Court order, Plaintiffs respectfully request that the Court extend discovery cutoff for additional 90 days or until September 20, 2022 and any sanctions and order defendants to show cause why they did not comply with this Court's order.

Respectfully submitted,



Ryan J. Kim

Cc: Jonathan Sue (via ECF)

Requests DENIED WITHOUT PREJUDICE. Pursuant to the Scheduling Order entered by District Judge Koeltl on January 11, 2022 (ECF No. 25), discovery in this action closed on June 7, 2022. Prior to that date, Plaintiffs did not seek to extend the discovery deadline. Plaintiffs also failed to file any joint letter by the May 23, 2022 deadline set in the Court's Text Only Order of May 13, 2022 (ECF No. 27). In their Letter Motion filed Saturday, June 18, 2022, Plaintiffs have failed to show good cause for extending the discovery deadline. *See* Fed. R. Civ. P. 16(b)(4). SO ORDERED.

Dated: 6/18/2022

